



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTON
ATTORNEY GENERAL**

December 27, 1990

Mr. Paul Hunn
Attorney for Round Rock I.S.D.
P.O. Box 2156
Austin, Texas 78768

OR90-587

Dear Mr. Hunn:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11063.

The Round Rock Independent School District [the district] received an open records request from an attorney representing the parents of a middle school student for records pertaining to an incident on school property involving several students and coaches. You contend that, because the request letter makes reference to the fact that the parents are considering bringing "legal action" against the district, the district may withhold the requested information pursuant to section 3(a)(3) of the Open Records Act. You also assert that the information comes under the protection of sections 3(a)(11) and 3(a)(14).

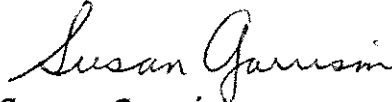
Previous determinations of this office, Open Records Decision No. 431 (1985) and Attorney General Opinion JM-36 (1983) (copies enclosed), resolve your request. Section 3(a)(14) protects from public disclosure "education records," as defined in the the Family Educational Rights and Privacy Act of 1974 [FERPA]; the records submitted to this office for review are clearly "education records." See 20 U.S.C. § 1232g(a)(4)(A). The Open Records Act requires that a student's education records be released to his or her parents in accordance with FERPA; section 3(a)(3) may not be applied to deny parents their right to inspect their own child's education records. Open Records Decision No. 431.

We note, however, that contained in the documents submitted to this office are various handwritten memoranda. Those records that were written by students other than the child of the requestors, as well as other information that reveals the identities of other students, come under the

protection of section 3(a)(14) and must be withheld.
Attorney General Opinion JM-36.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-587.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le

Ref.: ID# 11063

Enclosures: Open Records Decision No. 431
Attorney General Opinion JM-36

cc: Jack N. Price
410 Congress Avenue
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